

Laura H. Allen
Nicholas H. De Baun
Joanne Seltzer
Sidley Austin LLP
787 Seventh Avenue
New York, New York 10019
(212) 839-5300

Attorneys for Defendants
Sojitz Corporation of America,
Jun Matsumoto and Takashi Tsukada

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
ARNOLD SCHANFIELD, individually and on : No. 07 Civ. 9716 (CM) (JCF)
behalf of others similarly situated, :
Plaintiff, :
- against - :
NOTICE OF MOTION
SOJITZ CORPORATION OF AMERICA; JUN :
MATSUMOTO in his official and individual :
capacities; and TAKASHI TSUKADA in his :
official and individual capacities, :
Defendants. :
----- X

PLEASE TAKE NOTICE that, upon the Affirmation of Laura H. Allen, dated January 30, 2009, and all the accompanying exhibits; the Affirmation of Richard C. Paice, Esq., dated January 29, 2009, and all the accompanying exhibits; the Affidavit of Yoji Abe, dated January 29, 2009, and the accompanying exhibit; the Defendant's Memorandum of Law in Support of their Motion of Defendant for Summary Judgment, dated January 30, 2009; and the pleadings and all proceedings in this action, the undersigned will move the Court before the Honorable Colleen McMahon at the United States Courthouse, 500 Pearl Street, New York, New York for an Order pursuant to Rule 56 of the Federal Rules of Civil Procedure granting summary

judgment in favor of the defendants Sojitz Corporation of America ("SCA"), Jun Matsumoto, and Takahashi Tsukada upon the ground that there are no triable issues of fact as to plaintiff's causes of action, thereby warranting dismissal of the Second Amended Class Action Complaint as a matter of law, and for such other and further relief as the Court deems proper.

Dated: New York, New York
January __, 2009

SIDLEY AUSTIN LLP

By:

Laura H. Allen

Laura H. Allen
Nicholas H. De Baun
Joanne Seltzer
Sidley Austin LLP
787 Seventh Avenue
New York, New York 10019
(212) 839-5300

Attorneys for Defendants
Sojitz Corporation of America,
Jun Matsumoto and Takashi Tsukada

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of January 2009, I caused a true and correct copy of Defendants' Notice of Motion to be served on Plaintiff's counsel of record by hand at the following address:

Patricia Ronan, Esq.
Thompson Wigdor & Gilly
85 Fifth Avenue, 5th Floor
New York, NY 10003

Joanne Seltzer

Joanne Seltzer